HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 5517/2007

PETITIONERS Pradeep Kumar Gurudev,
S/o Shri Motilal Gurudev,
Aged about 53 years, R/o Sonarpara Ward No.12, Khairagarh, District Rajnandgaon (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh,
Through the Secretary School Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector,
District Rajnandgaon (C.G.)
3. Block Education Officer ,
Khairagarh District Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri P.R. Patankar, counsel for the petitioner.
Shri Yashwant Singh, Govt. Advocte for the State.

ORAL ORDER
(21.09.2007)

SUNIL KUMAR SINHA, J

Heard.

The petitioner, who is holding the substantive post of Assistant Teacher, has been transferred from Middle School, Tolagaon, Khairagah to Middle School, Thandar, Block Chhuikhadan on administrative grounds on 20.07.2007.

Learned counsel for the petitioner submits that 2 sons of the petitioner are studying in Khairagarh, which is nearer to Tolagaon, therefore, if the petitioner is transferred from Tolagaon to Thandar, it will adversely affect the studies of children of the petitioner.

I am unable to understand that how the transfer of the petitioner from Tolagaon to Thandar would affect the studies of children of the petitioner, who are studying at Khairagarh. If

they would have been studying at Tolagaon, then, it would have affected their studies, but when they are already studying at Khairagarh, transfer of the petitioner from Tolagaon to Thandar would never affect their studies. Moreover, these are the personal difficulties of the employee, for which, he can go to the employer and make a representation to him.

So far as the Courts are concerned, unless the order of transfer is shown to be vitiated by malafides or is affected by extraneous consideration or is passed in violation of any statutory Rules or the Act, the same are not to be interfered.

I do not find any reason to interfere with the order passed on 20.07.2007.

The petition has no merit and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge